

STAND. COM. REP. NO.

404

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 554  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 554 entitled:

"A BILL FOR AN ACT RELATING TO STATE WATER CODE PENALTIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add a minimum penalty of \$50 per violation of the state water code and make each day that a violation exists or continues a separate offense; and
- (2) Require the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the state water code's penalties and fines must be strengthened to deter violators. This measure ensures that all violators of the state water code are held accountable by creating a minimum penalty of \$50 for every violation.



Your Committee has amended this measure by:

- (1) Clarifying what actions qualify as state water code violations and subject a person to penalties;
- (2) Deleting provisions relating to determination of the earliest known date of a violation;
- (3) Deleting language that would have required the Commission on Water Resources Management to consider the violator's ability to pay when determining the penalty amount;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 554, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 554, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,



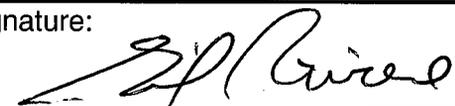
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KAIULANI KAHALE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB554</b>	Committee Referral: <b>WTL, JDC/WAM</b>	Date: <b>2/8/2019</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes